**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 23445 of 2005**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE M.R. SHAH**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**NARAYANLAL KESHAVLAL THAKER - Petitioner(s)**

**Versus**

**REGIONAL PASSPORT OFFICER - Respondent(s)**

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**Appearance :**

MR NEHAL R JOSHI for Petitioner(s) : 1,

M IA SHAIKH for Respondent(s) : 1,

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**CORAM : HONOURABLE MR.JUSTICE M.R. SHAH**

**Date : 09/01/2006**

**ORAL JUDGMENT**

1. The petitioner states that through inadvertence his name and date of birth was wrongly mentioned in the Passport and the respondent authority has refused to entertain his request to correct the said mistake. According to the petitioner, on the basis of the order passed by the learned Judicial Magistrate (FC), Gandhinagar, the correct date of birth is 24/8/1931 instead of 24/8/1942 and his correct name is NARAYANLAL KESHAVLAL THAKER instead of NARANBHAI KESHAVLAL THAKAR, which is wrongly mentioned in the Passport.

2. The learned counsel for the respondent states that only on the basis of material given by the petitioner the date of birth was recorded

in the passport. He further stated that no change in the passport is effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details if the authority is satisfied with the genuineness of the data to be corrected.

3.. Having heard the parties and looking to the facts and circumstances and also the material placed on record, the respondent is directed to look into the case of the petitioner on the basis of the evidence already adduced or on production of original certificate/s issued by competent authority which may be adduced by the petitioner in support of his case to correct his name and the date of birth and considering the the order passed by the learned Judicial Magistrate (FC), Gandhinagar in Misc.Application No.432 of 2005 dtd.24/10/2005. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before

him and shall pass an appropriate order as expeditiously as possible.

4. As the respondent authority will have to undertake the exercise of scrutinizing the case of the petitioner afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs.5000/-is ordered to be paid by the petitioner to the respondent authority by way of costs.

5. Accordingly, the petition is allowed to the aforesaid extent. Rule is made absolute to the above extent.

However, it is made clear that by virtue of this order, it may not be construed that this Court has certified that the Birth Date of the petitioner is 24/8/1931. This order is passed only on the basis of the order passed by the learned Judicial Magistrate (FC), Gandhinagar in

the aforesaid matter, without going into the legality and validity of the aforesaid order passed by the Judicial Magistrate (FC), Gandhinagar, by which, the learned Magistrate has directed the competent authority to mentioned the date of birth of the petitioner as 24/8/1931.

(M.R.SHAH,J.)

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